

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAVID T. SHULICK

DEFENDANTS

(b) County of Residence of First Listed Plaintiff Montgomery County PA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Manhattan, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Shulick Law Offices, Two Bala Plaza, St. 300, Bala Cynwyd, PA 19004
(215) 988-5488

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1345

Brief description of cause:

VIOLATION OF THE FAIR CREDIT REPORTING ACT - 15 USC 1681 et seq**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in coin...

JURY DEMAND: ☒ Yes**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

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I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1499 Wesley's Run, Gladwyne, PA 19035

Address of Defendant: 200 Vesey Street, Manhattan, NY 10080

Place of Accident, Incident or Transaction: Pennsylvania
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify) Fair Credit Reporting Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, David T. Shulick, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

74333
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law

Attorney I.D.#

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Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

David T. Shulick
v.
American Express Company/AmEx

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/19/12
Date

Attorney-at-law

Plaintiff
Attorney for

215-988-5488

215-988-5478

david@shulicklaw.com

Telephone

FAX Number

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

DAVID T. SHULICK

1499 Wesleys Run
Gladwyne, PA 19035

v.

AMERICAN EXPRESS COMPANY/AMEX

World Financial Center
New York, NY 10285

NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff, David T. Shulick, by and through his undersigned counsel, herein files this Complaint, and in support thereof avers as follows:

1. Plaintiff David T. Shulick, Esquire, is a person and consumer as defined in the Fair Credit Reporting Act (hereinafter referred to as "FCRA"). 15 U.S.C. §1681a(b); 15 U.S.C. §1681a(c).

2. Defendant American Express (AMEX), upon information and belief, is a corporate or legal entity with a principal place of business in New York, New York and is the entity legally responsible for providing false information to the Defendant consumer reporting agency named herein, and otherwise engaging in illegal conduct in violation of the FCRA as set forth herein.

JURISDICTION/VENUE

3. Jurisdiction and venue are proper in the Eastern District of Pennsylvania pursuant to the FCRA, specifically 15 U.S.C. 1681p.

FACTUAL BACKGROUND

4. On or about October 10, 2012 Plaintiff retrieved his credit report reflecting ONLY ONE SINGULAR negative remark – a report from Defendant American Express claiming

that Plaintiff was '30 days late' in June, 2012, after a credit history of 22 years of good and timely payments, reporting this information to third party credit bureaus Equifax, Experian and Transunion.

5. Thereafter, Plaintiff and his Financial Controller, Kathy Keyser, engaged in a series of communications and actions to communicate to Defendant that their reporting information regarding the June, 2012 '30 days late' was false, incorrect and demanded that Defendant remove the negative reporting entry at all three of the aforesaid credit bureaus, and provided written documentation, Affidavits, and proof thereof, all of which were fundamentally ignored by Defendant American Express, who continues to violate the Fair Credit Reporting Act. A true and correct copy of the correspondence, documentation and Affidavits are attached hereto and incorporated herein as Exhibit 'A'.

6. As a further result of Defendants actions, Plaintiff is incurring damages in the form of an artificially reduced F.I.C.O. score (or other similar 'score' as each entity has their own 'name' for the formula that is generally referred to as a F.I.C.O. score), and further damages through artificially increased financing costs for items purchased for Plaintiff or Plaintiff's businesses, including residential mortgages.

COUNT I – VIOLATION OF THE FAIR CREDIT REPORTING ACT
15 U.S.C §1681 et. seq.

7. Plaintiff incorporates by reference the averments contained in the above paragraphs as though more fully set forth herein at length.

8. Pursuant to the Fair Credit Reporting Act, Defendant American Express has a legal duty to ensure the accuracy of consumer reports, and the accuracy of items reported to the Credit Reporting Agencies, and other Statutory duties. 15 U.S.C. §1681e(b).

9. Defendant has willfully and/or negligently failed to adhere to or follow the statutory requirements of the FCRA and have engaged in the following illegal conduct:

- a. Preparing, reporting and filing incorrect information to the three credit bureaus, causing those reports to contain a singular adverse item of information related to Plaintiff that should not appear of the report, as proven by Exhibit 'A';
- b. Failing to delete or retract information upon determining it was inaccurate or incomplete, in particular, the American Express June, 2012 '30 days late' reporting;
- c. Failing to provide accurate and complete information to the consumer credit agency;
- d. Failing to follow reasonable procedures to assure the maximum possible accuracy of the information concerning the Plaintiff's information and credit;
- e. Failing to maintain reasonable procedures designed to avoid the exact type of violations alleged herein caused by the complete inadequacy of the compliance procedures in place by Defendant.

10. Set forth below are the specific violations of Defendant American Express, all of which were willful and/or negligent, and in violation of the Fair Credit Reporting Act, causing Plaintiff statutory and actual damage, as follows:

- a. American Express #349991363885XXXX states June, 2012 – 30 days late, incorrectly for the reasons stated in Exhibit 'A' attached hereto and incorporated herein by reference.

11. As a result of the aforesaid violations of the Fair Credit Reporting Act by Defendants, as listed in the above paragraphs, Plaintiff is incurring damages and continues to incur damages.

12. Plaintiff is entitled to recover damages under 15 U.S.C. 1681(n) and (o), including but not limited to damages as follows:

- a. Willfull Violations – actual damages, plus statutory damages of \$1,000 per violation, plus punitive damages and attorneys fees and costs;
- b. Negligent Violations – actual damages and attorneys fees and costs.

WHEREFORE, Plaintiff, David Shulick, Esquire respectfully requests injunctive relief in the form of an Order commanding Defendant to remove the June, 2012 inaccurate credit reporting, together with actual damages which are in excess of \$10,000 as well as all available Statutory Damages against Defendant plus attorneys fees, costs of suit, treble damages and punitive damages based on the net worth of Defendant, as its conduct can only be described as wanton, reckless and outrageous complaints, written notices, and communications from Plaintiff and his Financial Controller regarding this clear violations of the FCRA, as set forth herein.

SHULICK LAW OFFICES



DAVID T. SHULICK, ESQUIRE

Two Bala Plaza, Suite 300
Bala Cynwyd, PA 19004
(215) 988-5488
david@shulicklaw.com

Dated: 11/19/12

EXHIBIT "A"

**AFFIDAVIT OF KATHY KEYSER
FINANCIAL CONTROLLER AND AUTHORIZED
AMERICAN EXPRESS CARDHOLDER REPRESENTATIVE**

I, KATHY KEYSER, being duly sworn according to law, hereby depose and say, as follows:

1 – I am an adult, over 21 years of age, and the Financial Controller for David T. Shulick, Cardholder, and I am the American Express authorized Agent for David T. Shulick, Cardholder.

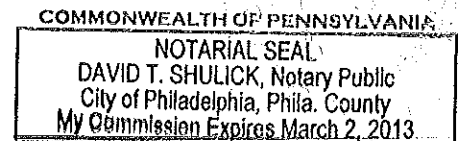
2 – I have reviewed the attached November 5, 2012 email and Excel Chart and the American Express response thereto, all attached and incorporated herein by reference.

3 – I affirm that American Express is incorrect, their response makes no sense, and had they applied the 'pay over time' as they represented they would to me in my direct communications to American Express from January, 2012 through October, 2012, there would be no June, 2012 '30 days late' showing on Mr. Shulick's credit report, and no payments would be late in any respect.

4 – I worked very hard to prepare the attached Chart sent to American Express, and they did not refute the detailed information in the chart, including the 5.14.12 entry in particular, and there is no doubt that the 5.14.12 bill showed as due on 6.8.12, and was paid on 6.15.12, so the reporting of this matter as 30 days late to any credit bureau is false. I incorporate by reference the information in the attached Chart.

I make these statements subject to the penalties of perjury.

 11/12/12
KATHY KEYSER Dated



David Shulick

From: David Shulick
Sent: Monday, November 05, 2012 9:50 AM
To: JAMES.C.SCHINDLER@AEXP.COM
Cc: Kathy Keyser
Subject: Shulick v. Amex - Good Faith Attempt to Resolve one Final Credit Issue
Attachments: AMEX INCORRECT JUNE 2012 LATE REPORT PROOF.XLS.xlsx

Dear Mr. Schindler –

I have worked very hard to resolve all open credit matters that were incorrect on my personal report, other than problem 'inquiries' – which I will handle separately. The ONLY negative issue on my personal credit is that Amex Reports that I was 30 days late in June, 2012. This only shows up on 'Experian', not Transunion, and not Equifax.

Kathy Keyser, my Financial Controller, and I did a painstaking analysis and we can prove that Amex was wrong in the June, 2012 report, and as such violated the Federal Fair Credit Reporting Act.

However, being that I am a loyal cardholder since 1990 and given the attached PROOF that it was Amex, not the Cardholder who is incorrect, I would request you 'replytoall' confirming that Amex will remove this singular 'stain' on my credit from June, 2012. The attached shows detailed proofs, and there is no legal basis to claim we paid 30 days late in June, 2012. I would request that you review this chart in detail, and if you or anyone else in the Executive Offices have any questions, Kathy and I are available for a call at your convenience. We would execute a release from any liability under the F.C.R.A. if necessary. We are looking for resolution – not further litigation. We truly have worked very hard to always pay on time, and to be a loyal Amex customer, as my 22 year history so reflects!!

Please reply within 5 business days confirming the removal of the June, 2012 report to Experian, or call with questions.

Thank you for your time and attention to this vital matter.

DAVID T. SHULICK, ESQUIRE

If you have any questions, please feel free to contact me.

David T. Shulick, Esquire | Shulick Law Offices
Two Bala Plaza, Suite 300, 333 City Avenue, Bala Cynwyd, PA 19004
Phone: 215.988.5488 | Fax: 215.988.5478 |
Email: David@shulicklaw.com
www.shulicklawoffices.com

ADDITIONAL OFFICES:

Two Penn Center, Suite 200, 1500 J.F.K. Boulevard, Philadelphia, PA 19102
One Greentree Centre, Suite 201, 10000 Lincoln Drive East, Marlton, NJ 08053
Radnor Financial Center, Suite F200, 150 Radnor-Chester Road, Radnor, PA 19087
600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462
1060 First Avenue, Suite 400, King of Prussia, PA 19406

NOTE: ALL MAIL TO BALA CYNWYD, PA - HEADQUARTERS

This email is intended only for the individuals to whom it was addressed and may contain confidential or proprietary information. If you have received this email and you are not the specific individual to whom it was directed, you are to destroy its contents immediately. Unauthorized use of any information contained in this email shall be illegal and subject you to all available civil and criminal remedies.

PROOF: CUSTOMER DISPUTE THAT JUNE PAYMENT SHOULD BE 2 DAYS LATE, NOT 30 DAYS LATE					
PREPARED BY: DAVID T. SHULICK, KATHY KEYSER - CARDHOLDER; FINANCIAL CONTROLLER					
BILL DATE	TOTAL NEW BALANCE - PER AMEX BILL	PER BILL - 'MINIMUM AMOUNT DUE'??	DUE DATE ON BILL - WHICH AMEX KEPT UNILATERA LLY CHANGING	AMEX ERROR PROOF AND EXPLANATION	
1/13/2012	\$118,038.91	\$88,908.91	1/29/2012	2.8.12 - Cardholder paid 25,000	
	Charges - 91,358.76			As proven by contemporaneous notes, Kathy called Alex at Amex on 2.8.12 and then was referred to Account Service Specialist, Carole ID SPC0423, said we would pay another 20,791 with the balance being 'paid over time' and there should be no default	
2/12/2012	\$164,508.11	\$158,097.66	3/8/2012	Amex unilaterally changed the due date without customer understanding	
	Charges - 75,029			2.17.12 - This is proof that we complied with Amex and paid the 20,791, and the rest should have been placed in a 'pay over time' status - and Kathy again spoke with Ms. Morales, she gave us confirmation, and the balance would be paid over time and not due immediately.	
				3.4.12 - Cardholder paid 43,117.91, made another good faith payment to Amex which was not credited properly by Amex - which should have gone to future card use, not pay over time amount	
				\$193,638 SHOULD HAVE BEEN POSTED TO 'PAY OVER TIME' AND INTEREST CHARGED	
3/14/2012	\$127,686.34	\$91,291.98	4/8/2012		

	Charges - 68,675.32			4.6.12 - Cardholder pays \$69,603.82, and proactively calls Mike SPC0453 to confirm that upon receipt of this payment the remainder of \$20,774.37 is the only other amount owed to bring card totally current and requested consent to pay that by April 18, 2012 post to PAY OVER TIME, and this individual NEVER CALLED KATHY BACK, as proven by contemporaneous notes. \$58,803 SHOULD HAVE BEEN POSTED TO 'PAY OVER TIME' AND INTEREST CHARGED
4/13/2012	\$85,791.29	\$51,117.04	5/8/2012	5.10.12 - Cardholder pays \$19,716.55
	Charges - 28,063.05			On 5.10.12 - Cardholder proactively calls Michele ID 58246 who said just make the minimum mpayment as was done, the next statement will cut on Monday 5.14.12, with the minimum due being only \$30,342, plus any new charges of around \$20k
5/14/2012	\$88,490.06	\$54,339.16	6/8/2012	Bill showed as due on 6.8.12 - Cardholder paid on 6.15.12 the amount of \$55,166.64 - SO HOW COULD THERE BE ANY PAST DUE OVER 30 DAYS LIKE ON CREDIT REPORT?
	Charges - 22885.49			THIS SHOWS AMEX ERRORS NOT APPLYING PAYMENTS BY CUSTOMER CORRECTLY AND NOT USING THE 'PAY OVER TIME' CORRECTLY
6/14/2012	\$110,106.04	\$76,142.10	7/8/2012	On 7.12.12, Cardholder pays \$21,701.32
	Charges - 21,052.18			
7/13/2012	\$64,673.41	\$32,468.02	8/8/2012	THIS IS FURTHER PROOF THAT AMEX DID NOT SHOW ANY PAST DUE BALANCE THE VERY NEXT MONTH DESPITE WHAT AMEX PUT ON THE CREDIT REPORT FROM JUNE, 2012 - AMEX MADE THE ERRORS - THEIR BILLING AND APPLICATION OF FUNDS ARE THE PROBLEM.
	Charges - 31,630.02			8.13.12 - 25,853 is additionally paid by Cardholder

8/14/2012	\$103,583.45	\$65,792.38	9/8/2012	PAID AGAINST PAY OVER TIME BALANCE PRINCIPAL PAYMENT - 8.20.12 - 20,000
	Charges - 65,105.38			
				PAID CARD USE IN FULL - CARDHOLDER 9.7.12 - 65,662
9/13/2012	\$26,320.05	\$6,434.05	10/8/2012	
	Charges - 8,528.06			10.5.12 - CARDHOLDER PAID 15,577.78, WHICH WAS TO BRING CARDHOLDER COMPLETELY CURRENT WITH REFERENCE TO THE FORMER PAY OVER TIME AMOUNTS
10/14/2012	\$6,007.31		10/29/2012	PAID BY CUSTOMER IN FULL ON 11.5.12
	Charges - 14,767.84			AMEX - WHY DUE DATE CHANGE AGAIN UNILATERALLY??
	TOTAL CHARGES			
	427,092			

TO American Express Customer Service
FROM American Express
TOPIC A message from American Express Executive Customer Care

11/09/2012

A message from American Express Executive Customer Care

Response (P. Ebbighausen) 11/09/2012 01:01 PM

Dear David Tevis Shulick,

Thank you for your additional inquiry with my colleague, James Schindler. In response, I have further reviewed our account files.

As you may be aware, a payment of \$69,603.82 was made on 4/6/12 leaving a remainder of \$20,774.37 to be paid by statement close of 4/13/12 to bring the account current. No additional payment was received by the close date and the \$20,774.37 was listed as in arrears on your 4/13/12 statement.

Another payment of \$19,716.55 was received on 5/10/12 with the remainder of \$30,342.67 due by statement close of 5/14/12 to bring the account totally current. No additional payment was received by the close date leaving \$30,342.67 at 30 days aging as reflected on the 5/14/12 statement.

No additional payments were received by the subsequent statement close of 6/13/12. Thus, the amount in arrears from your 5/14/12 statement had reached 60 days aging and 30 days past due. As the 30 days credit reporting in question is accurate, we are unable to comply with your exception request to remove it.

I regret that I cannot offer a more favorable reply and hope you will understand our position in this matter.

Sincerely,
Paul Ebbighausen
American Express Executive Customer Care

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